



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2293

DATE SCANNED 7-5-11

SCANNER NO. 2

SCAN OPERATOR Jmw

11092654845



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 31, 2011

MEMORANDUM

TO: THE COMMISSION

THROUGH: ALEC PALMER
ACTING STAFF DIRECTOR

FROM: PATRICIA CARMONA *PC*
CHIEF COMPLIANCE OFFICER

DEBBIE CHACONA *DC*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: *JW* JODI WINSHP/SARI PICKERALL *JP*
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION – 2010 30 DAY
POST-GENERAL REPORT (AUTHORIZED COMMITTEES) FOR
THE ADMINISTRATIVE FINE PROGRAM

Attached is a list of political committees and their treasurers who failed to file or timely file the 2010 30 Day Post-General Report in accordance with 2 U.S.C. 434(a). The list is comprised of authorized committees whose candidates sought election in the November 2nd General Election.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report more than five (5) days after the due date, or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

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Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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Federal Election Commission

Reason to Believe Circulation Report

2010 POST-GENERAL Not Election Sensitive 12/02/2010 AUTH (CA, FL, GA, KY, MA, NC, NY, OH, PA, TX, VT)

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2284	C00483495	BOB TURNER FOR CONGRESS	TURNER, ROBERT L.	KEVIN P. TURNER	\$753,782	0	1/13/2011	Not Filed	\$86,572	\$3,850

2286	C00326066	CIRO RODRIGUEZ FOR CONGRESS	RODRIGUEZ, CIRO D.	LUIS R. VERA	\$2,959,474	0		Not Filed	\$328,830 (est)	\$8,800
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2293	C00459909	JOHN WALTZ FOR CONGRESS COMMITTEE	WALTZ, JOHN WILLIAM	JANIE ELIZABETH WALTZ	\$843,093	0	1/29/2011	Not Filed	\$103,095	\$4,950
2294	C00472597	LEN BRITTON FOR VERMONT	BRITTON, LEONARD WHEELER	CHARLES TAYLOR	\$463,831	0	12/9/2010	7	\$119,477	\$1,535

2297	C00411991	PATRICK MURPHY FOR CONGRESS	MURPHY, PATRICK J.	LINDSAY F. ANGERHOLZER	\$8,537,802	0	1/25/2011	Not Filed	\$1,553,298	\$12,000
2298	C00464347	TIM ALLISON FOR CONGRESS	ALLISON, TIMOTHY JAMES	SUSAN HERRERA	\$341,248	0	12/6/2010	6	\$56,781	\$825
2299	C00465336	TOM WESLEY FOR US CONGRESS	WESLEY, TOM	PAUL M. YANOVITCH	\$209,658	0		Not Filed	\$29,951 (est)	\$990

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2010)
30 Day Post-General Report (Authorized)
Committees) for the Administrative Fine)
Program:)

LEN BRITTON FOR VERMONT, and) AF# 2294
CHARLES TAYLOR as treasurer;)
TIM ALLISON FOR CONGRESS, and) AF# 2298
SUSAN HERRERA as treasurer;)
BOB TURNER FOR CONGRESS, and) AF# 2284
KEVIN P TURNER as treasurer;)
CIRO RODRIGUEZ FOR CONGRESS,) AF# 2286
and VERA, LUIS R. MR. as treasurer;)

JOHN WALTZ FOR CONGRESS) AF# 2293
COMMITTEE, and JANIE ELIZABETH)
WALTZ as treasurer;)
PATRICK MURPHY FOR CONGRESS,) AF# 2297
and ANGERHOLZER, LINDSAY F. as)
treasurer;)

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TOM WESLEY FOR US CONGRESS, and) AF# 2299
PAUL M YANOVITCH as treasurer;)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on February 02, 2011 the Commission took the following actions on the Reason To Believe Recommendation - 2010 30 Day Post-General Report (Authorized Committees) for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated January 31, 2011, on the following committees:

AF#2294 Decided by a vote of 6-0 to: (1) find reason to believe that LEN BRITTON FOR VERMONT, and CHARLES TAYLOR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly,

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Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2298 Decided by a vote of 6-0 to: (1) find reason to believe that TIM ALLISON FOR CONGRESS, and SUSAN HERRERA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2284 Decided by a vote of 6-0 to: (1) find reason to believe that BOB TURNER FOR CONGRESS, and KEVIN P TURNER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2286 Decided by a vote of 6-0 to: (1) find reason to believe that CIRO RODRIGUEZ FOR CONGRESS, and VERA, LUIS R. MR. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2293 Decided by a vote of 6-0 to: (1) find reason to believe that JOHN WALTZ FOR CONGRESS COMMITTEE, and JANIE ELIZABETH WALTZ as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Banerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2297 Decided by a vote of 6-0 to: (1) find reason to believe that PATRICK MURPHY FOR CONGRESS, and ANGERHOLZER, LINDSAY F. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2299 Decided by a vote of 6-0 to: (1) find reason to believe that TOM WESLEY FOR US CONGRESS, and PAUL M YANOVITCH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

February 4, 2011
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 7, 2011

Janie Elizabeth Waltz, in official capacity as Treasurer
John Waltz for Congress Committee
P.O. Box 940
Union, KY 41091

C00459909
AF#: 2293

Dear Ms. Waltz:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 30 Day Post-General Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled general election for which the candidate sought election. This report, covering the period through November 22, 2010, shall be filed no later than December 2, 2010. 2 U.S.C. § 434(a). Because records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date, it is considered not filed for the purpose of calculating the civil money penalty.

The Act was further amended in 1999 to permit the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On February 2, 2011, the FEC found that there is reason to believe ("RTB") that John Waltz for Congress Committee and you, in your official capacity as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before December 2, 2010. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$4,950. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$4,950 is due within forty (40) days of the finding, or by March 14, 2011, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive

Level of Activity: \$103,095

Number of Days Late: Not Filed (reports not filed within thirty (30) days of the due date are considered not filed for the purpose of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

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If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or March 14, 2011. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that John Waltz for Congress Committee and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate

action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Cynthia L. Bauerly
Chair

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ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$4,950 for the 2010 Post-General Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by March 14, 2011. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: John Waltz for Congress Committee

FEC ID#: C00459909

AF#: 2293

PAYMENT DUE DATE: March 14, 2011

PAYMENT AMOUNT DUE: \$4,950

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**FEC OFFICE OF
ADMIN REVIEW**

2011 FEB 18 P 12:10

John Waltz for Congress
PO Box 940
Union, KY 41091
February 9, 2011

Federal Election Commission
Office of Administrative Review
999 E Street
Washington, D.C. 20463

C00459909
AF#: 2293

To Whom It May Concern:

I am writing to challenge the RTB calculated civil money penalty of \$4,950. This was incurred because the 30 day post-general report was not filed within the 30-day time frame and was not completed due to unforeseen circumstances. The campaign manager, Shaun Daniels, had kept all of the bookkeeping materials in his possession and would not provide it to me in my role as Treasurer throughout the duration of the campaign and afterwards.

After the campaign was over Mr. Daniels left with all of the relevant bookkeeping information and we had no way to get in contact with him to complete the report. We were not aware that the report was not done until we saw a story about it in the local media. We made several attempts to contact Mr. Daniels after discovering this and finally were able to track down the bookkeeping materials around the end of January. As soon as we took possession of the materials, we submitted the report as well as the yearend report to satisfy all reporting requirements.

I do apologize for this mix-up and it was not done maliciously or with intent. Due to the unforeseen circumstances, we seek the FEC to forgive the penalties.

Sincerely,


Janie Waltz
Treasurer

11092654857



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

February 18, 2011

Janie Elizabeth Waltz, in official capacity as Treasurer
John Waltz for Congress
698 Buckshire Glen
Florence, KY 41042

C00459909
AF# 2293

Dear Ms. Waltz:

On February 18, 2011, the Commission's Office of Administrative Review ("OAR") received your written response ("challenge") which is being reviewed by OAR. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in black ink, appearing to read "Dayna C. Brown".

Dayna C. Brown
Reviewing Officer
Office of Administrative Review

11092654858

**FEC OFFICE OF
ADMIN REVIEW**

2011 FEB 22 A 11: 01

Date: February 22, 2011

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW
CHALLENGE RECEIVED**

AF#: 2293

Committee Name: John Waltz for Congress Committee

Committee ID#: C00459909

Committee Address (if different than in RTB letter): Y
698 Buckshire Glen
Florence, KY 41042

Treasurer Name (if different than in RTB finding): Y
John Waltz

Attachments:

Copy of RTB Circulation Report, dated January 31, 2011 and RTB
Certification, dated February 2, 2011 (Y/N): Y

Attachment #: 1

Proof of Delivery (to be forwarded at later date if not yet received) (Y/N): Y

Attachment #: 2

Other Relevant Telecoms (Y/N): N

Attachment #: N/A

Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N

Attachment #: N/A

RAD Staff Declaration (Y/N): Y

-2010 General Election Report Prior Notice, dated November 8, 2010.

-Non-Filer Notice, dated December 22, 2010.

-RTB Letter, dated February 7, 2011.

Attachment #: 4

Other RAD Information: (Y/N): N

Attachment#: N/A

11092654859


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Track & Confirm

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Label/Receipt Number: EQ82 6640 515U S
 Guaranteed Delivery Date/Time: February 9, 2011, 12:00 PM
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 Status: **Delivered**

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Your item was delivered at 11:37 am on February 09, 2011 in UNION, KY 41091. The item was signed for by J WALTZ.

Detailed Results:

- Delivered, February 09, 2011, 11:37 am, UNION, KY 41091
- Notice Left (No Authorized Recipient Available), February 09, 2011, 10:33 am, UNION, KY 41091
- Arrival at Post Office, February 09, 2011, 10:25 am, UNION, KY 41091
- Processed through Sort Facility, February 09, 2011, 8:32 am, CINCINNATI, OH 45234
- Acceptance, February 08, 2011, 6:47 pm, LINTHICUM HEIGHTS, MD 21090
- Processed through Sort Facility, February 08, 2011, 3:04 am, LINTHICUM HEIGHTS, MD 21090

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 Privacy Policy is found

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 through the Gateway

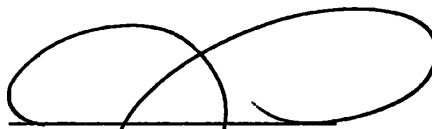
11092654860

DECLARATION OF JODI WINSHIP

1. I am the Acting Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Acting Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to John Waltz for Congress Committee:
 - A) Prior Notice, dated November 8, 2010, referencing the 2010 General Election Report (sent via electronic mail to: info@johnwaltzforcongress.com);
 - B) Non-Filer Letter, dated December 22, 2010, referencing the 2010 Post-General Report;
 - C) Reason-to-Believe Letter, dated February 7, 2011, referencing the 2010 30 Day Post-General Report.

I hereby certify that I have searched the Commission's public records and find that John Waltz for Congress Committee filed the 2010 30 Day Post-General Report with the Commission on January 29, 2011.

3. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecons for the matter have been provided. This declaration was executed at Washington, D.C. on the 22nd day of February, 2011.



Jodi Winship
Acting Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission



GENERAL ELECTION

REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES

November 8, 2010

****** REMINDER ******

All principal campaign committees of congressional candidates (including unopposed candidates and candidates whose names did not appear on the ballot) who sought election in the 2010 General Election must file a Post-General Election Report.

NOTE: In election years, the reporting period for the Post-General Election Report spans two election cycles. For this report only, committees should not use the normal Detailed Summary Page. Instead, committees should use the Post-Election Detail Summary Page (FEC Form 3, pages 5-8).

Reports sent by Registered or Certified Mail must be postmarked by the mailing deadline (December 2, 2010). If using Overnight Mail, the delivery service must receive the report by the mailing deadline (December 2, 2010). Otherwise, the report must be received by the filing deadline (December 2, 2010).

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20413

December 22, 2010

RQ-7

JANIE ELIZABETH WALTZ, TREASURER
JOHN WALTZ FOR CONGRESS COMMITTEE
PO BOX 940
UNION, KY 41091-0940

IDENTIFICATION NUMBER: C00459909

REFERENCE: POST-GENERAL REPORT 10/14/2010 - 11/22/2010

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

IT IS IMPORTANT THAT YOU FILE THIS REPORT IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C. 20463 FOR HOUSE CANDIDATES, OR THE SECRETARY OF THE SENATE, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510 (MAILING ADDRESS: OFFICE OF PUBLIC RECORDS, P.O. BOX 2517, ALEXANDRIA, VA 22301), FOR SENATE CANDIDATES. PLEASE NOTE THAT ELECTRONIC FILEERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES. YOU CAN VERIFY THE COMMISSION'S RECEIPT OF ANY DOCUMENTS SUBMITTED BY YOUR COMMITTEE ON THE FEC WEBSITE AT WWW.FEC.GOV.

THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT. DUE TO HEIGHTENED SECURITY SCREENING MEASURES, DELIVERY OF MAIL BY THE US POSTAL SERVICE MAY BE DELAYED. THE COMMISSION RECOMMENDS THAT YOU SUBMIT YOUR REPORT VIA OVERNIGHT DELIVERY OR COURIER SERVICE.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT CHRISTOPHER RITCHIE AT OUR TOLL FREE NUMBER (800)424-9530. OUR DIRECT LOCAL NUMBER IS (202)694-1130.

SINCERELY,

Debbie Chacona

DEBBIE CHACONA
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION (RAD)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEDERAL ELECTION COMMISSION
SECRETARIAT

2011 MAR 31 P 3:23

SENSITIVE

March 31, 2011

MEMORANDUM

To: The Commission

Through: Alec Palmer
Acting Staff Director *AP*

From: Patricia Carmona *PC*
Chief Compliance Officer

Dayna C. Brown *DCB*
Reviewing Officer
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2293 – John Waltz for Congress and John Waltz, in his official capacity as Treasurer (C00459909)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

11092654864



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 31, 2011

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

**AF# 2293 – John Waltz for Congress and John Waltz, in his official capacity as Treasurer
(C00459909)**

Summary of Recommendation

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$4,950 civil money penalty.

Reason-to-Believe Background

On February 2, 2011, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2010 30 Day Post-General Report and made a preliminary determination that the civil money penalty was \$4,950 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter, dated February 7, 2011, was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") to notify them of the Commission's RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act ("Act") requires that post-general reports must be filed by the treasurer of a principal campaign committee no later than the 30th day after any general election in which the candidate has sought election and shall be complete as of the 20th day after the general election. 2 U.S.C. § 434(a)(2)(A)(ii) and 11 C.F.R. § 104.5(a)(2)(ii). Reports filed electronically must be received and validated at or before 11:59 pm Eastern Standard/Daylight Time on December 2 to be timely filed. 11 C.F.R. § 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Respondents' Challenge

On February 18, 2011, the Commission received the written response ("challenge") from the Treasurer requesting that the Commission forgive the penalty. The Treasurer states that the report was not filed within the 30-day time frame due to unforeseen circumstances. The Campaign Manager had possession of the bookkeeping materials and would not provide those materials to the Treasurer during or after the campaign. After the campaign was over, they had no way to contact the Campaign Manager to get the information to complete the report. Neither the Treasurer nor the Candidate was aware the report had not been filed until they saw a story in the local media. They made several attempts to contact the Campaign Manager and were finally able to get the information around the end of January, and immediately submitted the 30 Day

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Post-General and Year End Reports to satisfy all reporting requirements. The Treasurer further apologized for the mix-up and states that it was not done maliciously or with intent.

Analysis

The 30 Day Post-General Report was filed on January 29, 2011, 58 days late.

Commission records indicate that on January 14, the Campaign Manager called the Reports Analyst stating that he learned, through a blog, that they had failed to file the 30 Day Post-General Report. The Analyst informed the Campaign Manager that a non-filer notice was sent to the Committee's address of record more than three weeks earlier, on December 22, and verified that the address of record was a viable address. The Analyst also advised the Campaign Manager to file the report as soon as possible, and directed him to the Administrative Fines portion of the Commission's website when he inquired about the fine process. Although the challenge asserts that the Campaign Manager left after the campaign was over, it appears, given his January 14 conversation with the Reports Analyst, that he was still involved with the Committee as much as two months after the November 2 general election.

While the Campaign Manager is not the Treasurer or Custodian of Records, the challenge contends that he had sole possession of the data needed to file the 30 Day Post-General Report. According to Commission records, the Candidate was the Custodian of Records for the Committee at the time the report was due, and therefore should have been in possession of the Committee's books and accounts. 11 C.F.R. § 102.2(a)(1)(hi). Notwithstanding the Candidate's failure to have custody of the Committee's records, and the respondents' assertion of inability to contact the Campaign Manager, the regulations are clear that the Treasurer shall be personally responsible for the timely and complete filing of reports, as well as the accuracy of the information they contain. 11 C.F.R. § 104.14(d).

Negligence and unavailability of the Treasurer or other staff (e.g. Campaign Manager) are included at 11 C.F.R. § 111.35(d) as examples of circumstances that are not considered reasonably unforeseen and beyond the respondents' control. The challenge fails to address any of the three valid grounds for challenge enumerated at 11 C.F.R. § 111.35(b): (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$4,950.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2293 involving John Waltz for Congress and John Waltz, in his official capacity as Treasurer, in making the final determination;

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- (2) Make a final determination in AF# 2293 that John Waltz for Congress and John Waltz, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$4,950; and
- (3) Send the appropriate letter.

Reviewing Officer: Dayna C. Brown

Attachments

Attachment 1 – Challenge Received from Respondents

Attachment 2 – Declaration from RAD

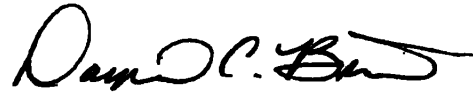
Attachment 3 – Declaration from OAR

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DECLARATION OF DAYNA C. BROWN

1. I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2010 30 Day Post-General Report is due December 2, 2010. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on December 2, 2010 to be timely filed.
3. I hereby certify that I have searched the Commission's public records and that the documents identified herein are true and accurate copies of:
 - a) Pages 1 and 3 of the Statement of Organization filed by the John Waltz for Congress Committee and Janie Waltz, in her official capacity as Treasurer. According to Commission records, the document is dated March 12, 2009 and was received on March 17, 2009. Page 3, Line 7 lists "John William Waltz" as the "Custodian of Records." Line 8 lists "Janie Elizabeth Waltz" as the "Treasurer;" and
 - b) Page 1 of the Summary Page and Pages 3 through 6 of the Post-Election Detailed Summary Page for the 2010 30 Day Post-General Report filed electronically by John Waltz for Congress and Janie Waltz, in her official capacity as Treasurer. According to the Commission's records, the report covers the period from October 14 through November 22, 2010, and was received on January 29, 2011. Line 16, Column A lists \$24,217.29 in total receipts for this period. Line 22, Column A lists \$78,878.39 in total disbursements for this period; and
 - c) Pages 1 and 3 of the Statement of Organization filed by John Waltz for Congress and John Waltz, in his official capacity as Treasurer. According to Commission records, the document is dated January 13, 2011 and was received on February 14, 2011. Page 3, Lines 7 and 8 list John Waltz as Custodian of Records and Treasurer, respectively.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 31st day of March, 2011.



Dayna C. Brown
Reviewing Officer
Office of Administrative Review
Federal Election Commission

11092654868

FEC
FORM 1

STATEMENT OF
ORGANIZATION

RECEIVED
FEC MAIL CENTER

2008 MAR 17 A 9 08

1. NAME OF
COMMITTEE (in full)

☐ (Check if name
is changed)

Example: If typing, type
over the lines.

12FE4M5

JOHN WALTZ FOR CONGRESS COMMITTEE

ADDRESS (number and street)

P.O. Box 940

☐ (Check if address
is changed)

Union

Ky

41011-1010

CITY

STATE

ZIP CODE

COMMITTEE'S E-MAIL ADDRESS (Please provide only one e-mail address)

☐ (Check if address
is changed)

info@johnwaltzforcongress.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

☐ (Check if address
is changed)

www.johnwaltzforcongress.com

2. DATE

03/12/2009

3. FEC IDENTIFICATION NUMBER

C

4. IS THIS STATEMENT



NEW (N)

OR



AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer JANIS WALTZ

Signature of Treasurer

Date

03/12/2009

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office
Use
Only

For further information contact:
Federal Election Commission
Toll Free 800-434-6530
Local 202-694-1100

FEC FORM 1
(Revised 02/2008)

11092654869

29030052206

Write or Type Committee Name

6. Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor

Mailing Address

CITY

STATE

ZIP CODE

Relationship: ☐ Connected Organization ☐ Affiliated Committee ☐ Joint Fundraising Representative ☐ Leadership PAC Sponsor

7. Custodian of Records: Identify by name, address (phone number - optional) and position of the person in possession of committee books and records.

Full Name

UNION OF AMERICAN WORKERS

Mailing Address

P.O. Box 940

Union

Title or Position

CITY

STATE

ZIP CODE

CINCINNATI

Telephone number

513-513-4882

8. Treasurer: List the name and address (phone number - optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name
of Treasurer

JANIE ELIZABETH WALTER

Mailing Address

P.O. Box 940

Union

Title or Position

CITY

STATE

ZIP CODE

CINCINNATI

Telephone number

513-513-4882

11092654870

29039052208

**FEC
FORM 3****REPORT OF RECEIPTS
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) **USE FEC MAILING LABEL OR TYPE OR PRINT** Example: If typing, type over the lines

John Waltz for Congress

ADDRESS (number and street)

P.O. Box 940

Check if different
than previously
reported. (ACC)

Union

KY

41091

2. FEC IDENTIFICATION NUMBER

C00459909

CITY

STATE

ZIP CODE

STATE DISTRICT

3. IS THIS
REPORT

X

NEW
(N)

OR

AMENDED
(A)

KY

04

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

in the
State of

(c) 30-Day POST-Election Report for the:

X

General (30G)

Runoff (30R)

Special (30S)

Election on

11

02

2010

in the
State of

KY

5. Covering Period 10 14 2010 through 11 22 2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Janie Waltz

Signature of Treasurer

Electronically Filed by Janie Waltz

Date 01 29 2011

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. 437g.

Office
Use
Only**FEC FORM 3**
(Revised 02/2003)

FESAN018

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POST-ELECTION DETAILED SUMMARY PAGE

FEC Form 3 (Revised 07/05)

Report of Receipts and Disbursements

3 / 58

. If the candidate participated in the general election, use this form for the 30-day Post-General report.

. If the candidate did NOT participate in the general election, use this form for the Year-end report covering through December 31 of the election year (due on January 31).

This form is used in lieu of filling out Line Numbers 6 through 7 on Page 2 (Summary Page) and Pages 3 and 4 (the Detailed Summary Page) for the last report filed by a candidate during the current election cycle.

Write or Type Committee Name

John Waltz for Congress

Report Covering the Period: From: MM DD YY YY YY 10 14 2010 To: MM DD YY YY YY 11 22 2010

I. RECEIPTS

COLUMN A Total this Period	COLUMN B Election Cycle Total as of <small>MM DD YY YY YY</small> 11 02 2010 (date of general election)	COLUMN C Total for <small>MM DD YY YY YY</small> 11 03 2010 (date after general election) through <small>MM DD YY YY YY</small> 11 22 2010 (last day of reporting period)
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other than Political Committees		
(i) Itemized (Use Schedule A)		
17336.00	24961.00	0.00
(ii) Unitemized		
4380.00	6323.00	50.00
(iii) Total of contributions from individuals		
21716.00	419716.11	50.00
(b) Political Party Committees		
2500.00	3000.00	0.00
(c) Other Political Committees		
0.00	20925.00	0.00

**POST-ELECTION DETAILED
SUMMARY PAGE
Report of Receipts and Disbursements**

COLUMN A Total this Period	COLUMN B Election Cycle Total as of * (date of general Election) (* See page 5 for date)	COLUMN C Total for * (date after general election) Through * (last day of reporting period) (* See page 5 for dates)
(d) The Candidate		
0.00	0.00	0.00
(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c) and (d))		
24216.00	443641.11	50.00
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES		
0.00	0.00	0.00
13. LOANS:		
(a) Made or Guaranteed by the Candidate		
0.00	0.00	0.00
(b) All Other Loans		
0.00	0.00	0.00
(c) TOTAL LOANS (add Lines 13(a) and (b))		
0.00	0.00	0.00
14. OFFSETS TO OPERATING EXPENDITURES (refunds, rebates, etc)		
1.29	1.29	0.00
15. OTHER RECEIPTS (Dividends, Interest, etc)		
0.00	0.00	0.00
16. TOTAL RECEIPTS (add 11(e), 12, 13(c), 14 and 15)		
24217.29	443642.40	50.00

POST ELECTION DETAILED SUMMARY PAGE

EEC Form 3 (Revised 1/01)

Report of Receipts and Disbursements

5 / 58

Write or Type Committee Name

John Waltz for Congress

Report the covering period

From:

M	M
1	0

D	D
1	4

V	V	V	V	V
2	0	1	0	

To:

M	M
1	1

D	D
2	2

V	V	V	V	V
2	0	1	0	

II. DISBURSEMENTS

COLUMN A Total this period	COLUMN B Election Cycle Total as of * (date of general election) (* See page 5 for date)	COLUMN C Total for * Through * (date after general election) (last day of reporting period) (* See page 5 for date)
17. OPERATING EXPENDITURES		
78678.39	394859.90	9415.40
18. TRANSFER TO OTHER AUTHORIZED COMMITTEES		
0.00	0.00	0.00
19. LOAN PAYMENTS		
(a) Of Loans Made or Guaranteed by the Candidate		
0.00	0.00	0.00
(b) Of All Other Loans		
0.00	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and 19(b))		
0.00	0.00	0.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees		
200.00	2400.00	200.00
(b) Political Party Committees		
0.00	0.00	0.00

POST ELECTION DETAILED
SUMMARY PAGE

FEC Form 3 (Revised 1/01)

Report of Receipts and Disbursements

6 / 58

COLUMN A Total this period	COLUMN B Election Cycle Total as of * (date of general election) (* See page 5 for date)	Total for * Through * COLUMN C (date after general election) (last day of reporting period) (* See page 5 for date)
-------------------------------	---------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------

(c) Other political committees (such as PACs)

0.00

0.00

0.00

(d) TOTAL CONTRIBUTION REFUNDS (See Lines 20(a), (b) and (c))

200.00

2400.00

200.00

21. OTHER DISBURSEMENTS

0.00

0.00

0.00

22. TOTAL DISBURSEMENTS (add lines 17, 18, 19(c), 20(d), and 21)

78878.39

397259.90

9615.40

III. NET CONTRIBUTIONS (OTHER THAN LOANS)

(Note: Substitute in lieu of Line #6 of Summary Page for this report only; subtract line 20(d) from Line 11(e))

24016.00

441241.11

-150.00

IV. NET OPERATING EXPENDITURES

(Note: Substitute in lieu of Line #7 of Summary Page for this report only; subtract line 14 from Line 17)

78677.10

394858.61

9415.40

V. CASH SUMMARY

23. CASH ON HAND AT BEGINING OF REPORTING PERIOD	98952.47
24. TOTAL RECEIPTS AT THIS PERIOD (from Line 16).....	24217.29
25. SUBTOTAL(add Line 23 and Line 24)	123169.76
26. TOTAL DISBURSEMENTS AT THIS PERIOD (from Line 22).....	78878.39
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (Subtract Line 26 from Line 25).....	44291.37

FEC
FORM 1

STATEMENT OF
ORGANIZATION

RECEIVED
2011 FEB 14 AM 8:36
FEC MAIL CENTER

Office Use Only

1. NAME OF
COMMITTEE (in full)

☐

(Check if name
is changed)

Example: If typing, type
over the lines.

12FE4M5

John Waltz for Congress

ADDRESS (number and street)

698 Buckshire Glen

☒

(Check if address
is changed)

Florence

KY

41042

CITY

STATE

ZIP CODE

COMMITTEE'S E-MAIL ADDRESS (Please provide only one e-mail address)

☒

(Check if address
is changed)

john@johnwaltz.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

☒

(Check if address
is changed)

www.johnwaltz.com

2. DATE

01/12/2011

3. FEC IDENTIFICATION NUMBER

C00459909

4. IS THIS STATEMENT

☐

NEW (N)

OR

☒

AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

John Waltz

Signature of Treasurer

John Waltz

Date

01/13/2011

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office
Use
Only

For further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-694-1100

FEC FORM 1
(Revised 02/2009)

John Waltz for Congress

[illegible]

CITY STATE ZIP CODE

Relationship: ☐ Connected Organization ☐ Affiliated Committee ☐ Joint Fundraising Representative ☐ Leadership PAC Sponsor

Full Name John Waltz

698 Buckshire Glen
Florence KY 41042

CITY

STATE

ZIP CODE

Treasurer _____

Telephone number 859 - 379 - 9829

Full Name of Treasurer John Waltz

698 Buckshire Glen
Florence KY 41042
CITY STATE ZIP CODE

Title or Position

Treasurer _____

Telephone number **859 - 379 - 9829**



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

April 4, 2011

John Waltz, in his official capacity as Treasurer
John Waltz for Congress
698 Buckshire Glen
Florence, KY 41042

C00459909
AF# 2293

Dear Mr. Waltz:

On February 2, 2011, the Federal Election Commission ("Commission") found reason to believe ("RTB") that John Waltz for Congress and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2010 30 Day Post-General Report. The Commission also made a preliminary determination that the civil money penalty was \$4,950 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Dayna C. Brown
Reviewing Officer
Office of Administrative Review

Attachment

11092654878



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AD
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2011 APR 19 P 2:27

April 19, 2011

MEMORANDUM

SENSITIVE

To: The Commission

Through: Alec Palmer *AP*
Acting Staff Director

From: Patricia Carmone *PC*
Chief Compliance Officer

Dayna C. Brown *DCB*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2293 – John Waltz for Congress Committee and John Waltz, in his official capacity as Treasurer (C00459909)

On February 2, 2011, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2010 30 Day Post-General Report and also made a preliminary determination that the civil money penalty was \$4,950 based on the schedule of penalties at 11 C.F.R. § 111.43.

On February 18, 2011, the Commission received their written response ("challenge") from the Treasurer. After reviewing the challenge, the Reviewing Officer's recommendation dated March 31, 2011 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$4,950 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2293 involving John Waltz for Congress and John Waltz, in his official capacity as Treasurer, in making the final determination;

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- (2) Make a final determination in AF# 2293 that John Waltz for Congress and John Waltz, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$4,950; and
- (3) Send the appropriate letter.

11092654880

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AF 2293
John Waltz for Congress Committee and)
John Waltz, in his official capacity as)
Treasurer (C00459909))

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on April 29, 2011, the Commission decided by a vote of 6-0 to take the following actions in AF 2293:

1. Adopt the Reviewing Officer recommendation for AF# 2293 involving John Waltz for Congress and John Waltz, in his official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 2293 that John Waltz for Congress and John Waltz, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$4,950.
3. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

April 29, 2011
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

11092654881



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 3, 2011

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John Waltz, in his official capacity as Treasurer
John Waltz for Congress Committee
698 Buckshire Glen
Florence, KY 41042

C00459909
AF# 2293

Dear Mr. Waltz:

On February 2, 2011, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the John Waltz for Congress Committee and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2010 30 Day Post-General Report. By letter dated February 7, 2011, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$4,950 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On February 18, 2011, the Office of Administrative Review received your written response, challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that the John Waltz for Congress Committee and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$4,950 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on April 4, 2011.

On April 29, 2011, the Commission adopted the Reviewing Officer's recommendation and made a final determination that the John Waltz for Congress Committee and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$4,950. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the final determination recommendation is attached.

If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final

11092654882

determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). The failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, send the enclosed form and payment to the address on page 3 within 30 days of receipt of this letter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Dayna Brown on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

On behalf of the Commission,


Cynthia L. Bauerly
Chair

Attachment

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$4,950 for the 2010 30 Day Post-General Report.

This penalty should be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC # 979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: John Waltz for Congress

FEC ID#: C00459909

AF#: 2293

PAYMENT AMOUNT DUE: \$4,950

11092654885

FOR: John Waltz for Congress

FEC ID#: C00459909

AF#: 2293

PAYMENT AMOUNT DUE: \$4,950

3

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 001 \$ 0000495000 BA# 1 06-15-11 20 4



us bancorp.
The Bancorp. Corporation

John Waltz For Congress		5296
P.O. Box 90		
Union, KY 40381		
(606) 579-8629		
THE BANK OF KENTUCKY, INC.		
78-6110621		
5/24/2011		
PAY TO THE ORDER OF		
Federal Election Commission		\$ 4,950.00
Four Thousand Nine Hundred Fifty and 00/100		DOLLARS 00
Federal Election Commission		
999 E Street, NW		
Washington DC, 20463		
CASH		



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2293

DATE SCANNED 7-5-11

SCANNER NO. 2

SCAN OPERATOR IMP

11092654886